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An Introduction to

THE MONTANA LEGISLATIVE COUNCIL

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MONTANA LEGISLATIVE COUNCIL
930 East Lynwood Avenue
Billings, Montana 59101

1977

Montana State Library



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MONTANA LEGISLATIVE COUNCIL

SENATE MEMBERS

Carroll Graham, Chairman
Frank W. Hazelbaker, Vice-Chairman
Chet Blaylock
Pat Goodover

HOUSE MEMBERS

John D. Driscoll
Uscar Kvaalen
J. D. Lynch
Robert L. Marks

Mrs. Rose Weber
Executive Director
Room 138, State Capitol
Helena, Montana
Telephone 406-449-3064

Established in 1957, the Montana Legislative Council was originally created as a permanent agency of the legislative branch of state government designed to study selected problems confronting the legislature in the interim between biennial sessions and to perform other services that facilitate the legislative process.

Chapter 431, Session Laws of 1973, substantially restructured the Council. The responsibility for conducting interim studies was transferred from the Council to legislative standing committees or their subcommittees. Particular areas to be studied in an interim, previously determined by the Council, became a responsibility of the new Committee on Priorities. The Committee on Priorities consists of sixteen bipartisan members -- eight from the House Rules Committee and eight from the Senate Rules Committee.

Sections 43-709 through 43-731 and 12-501 through 12-510, R.C.M. 1947, provide the statutory authority for the structure and functions of the Council and interim committees. For purposes of discussion, the content of these sections may be divided into four areas; first, the powers and duties of the Council; second, the structure and responsibilities of the Council staff; third, interim committee organization and procedures; and fourth, the operation of the legislative intern program.

The Council

The Legislative Council consists of eight members; four members are chosen from the House, and four members are chosen from the Senate. Both political parties are equally represented on the Council. Each new Council must be chosen by the Speaker of the House and the Senate Committee on Committees before the fiftieth

day of the first regular session of the biennium, and members serve for the biennium.

The law charges the Council with administrative responsibilities relative to the Council staff. An important responsibility of the Council since 1975 has been supervision of the recodification of Montana's statutes by a Code Commissioner assigned to the Council staff. This task is scheduled for completion by January 1, 1979.

The one non-administrative policy study function assigned to the Council provides a legislative safety valve. The Council may, in the event a problem demanding legislative attention arises during the interim, assign study of the problem to an existing joint interim subcommittee.

The Council may not approve or disapprove substantive portions or recommendations of any interim committee report. Previously, the Council was responsible for approving all interim studies and recommendations.

The Council Staff

The staff of the Legislative Council acts as an independent, nonpolitical, impartial staff agency for the legislature, performing those duties and functions assigned by law or as directed or requested by members and committees of the legislature. The Council staff also provides certain information to the public on legislative matters.

The staff is divided into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Service Division.

The Legislative Services Division is responsible for clerical preparation of introduced bills, for engrossing and enrolling of bills, and for printing and mailing of the bills. This division uses a computerized bill drafting system in order to operate with a high degree of effectiveness and accuracy with a relatively small staff of typists and proofreaders and is also responsible for publication of the legislative journals, of a numerical compilation of code sections affected by the session laws, and the final session laws.

The Research and Reference Services Division and the Legal Services Division have many of the same responsibilities. Both divisions perform general and specialized research and reference and information functions. Staff members from both divisions may assist in the preparation of the Legislative Review, staff legislative committees during the session and throughout the

interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public. During the recodification process, however, the Legal Services Division works primarily on recodification during the interim leaving nearly all research and committee staffing duties to the Research and Reference Services Division.

The Research and Reference Services Division also maintains a reference library containing items of special interest to legislators and legislative staff. The library maintains a liaison with other libraries to help make information available as quickly as possible.

The Code Commissioner is director of the Legal Services Division and supervises recodification. After publication of the new code in 1979 the Code Commissioner will direct the continuing codification, indexing, rearranging and general updating of the new code.

The Management and Business Services Division maintains all bookkeeping records; signs all legislative claims and payrolls; requisitions all printing, supplies, and equipment; and serves the House and Senate during a session.

Legislative Council Staff:

Rose E. Weber, Executive Director
Eleanor Eck, Administrative Assistant

Research Division

Robert Person, Director
Richard Hargesheimer, Researcher
Deborah Schmidt, Researcher
Teresa Cohea, Researcher
Dennis Taylor, Researcher
Raelen Willard, Librarian

Legal Services Division

Diana S. Dowling, Director
and Code Commissioner
Larry Weinberg, Staff Attorney
John Bobinski, Staff Attorney
David Cogley, Staff Attorney
John Hollow, Staff Attorney
Joan Mayer, Staff Attorney
Bob Pyfer, Staff Attorney
Jim Lear, Annotator

Legislative Services Division

Roberta Moody, Director

Legislative Interim Operations

Sections 43-716 through 43-719, R.C.M. 1947, provide the boundaries within which the legislature must act during an interim. The Legislative Committee on Priorities considers all resolutions requesting studies and selects those to be given interim consideration. No committee may act on any routine study or measure in the interim unless it was assigned by the Committee on Priorities.

There are four types of committees that function during an interim: full standing committees, interim subcommittees, select committees, and committees established by law. An interim subcommittee is appointed from a regular standing committee. Four members, two from each party, are appointed by the chairman of each standing committee to serve with four selected from the respective committee of the other house. Two or more standing committees may appoint members to one joint interim subcommittee assigned to study issues of common concern if so directed by the Committee on Priorities. These subcommittees do the majority of the interim work. Each subcommittee must report its findings and recommendations to the legislature at the beginning of the next succeeding session.

A "select committee" is formed to examine a particular issue or bill. This committee is responsible to the house from which it was selected. It operates in a fashion similar to the interim subcommittees except that it may operate during a session. A select committee reports to the legislature upon completion of its study.

The full standing committees are also authorized to function during the interim. However, because of the expense of holding meetings, these committees meet infrequently.

Committees established by law are appointed and meet in accordance with provisions of their authorizing statutes. The Council staff assists such committees upon request.

Legislative Intern Program

The Legislative Council also administers the Legislative Intern Program, established by law in 1974. This program provides an opportunity for qualified Montana college and university students to gain first-hand experience of the legislative process. Each unit of the Montana University System may select at least one

intern, and five additional interns may be chosen from applications submitted to the Council. The Council assigns each intern to a legislator, and the intern is directly responsible to that legislator.

LEGISLATIVE RESEARCH PUBLICATIONS

Since its creation the Council has issued the following major research publications:

1957-58 Interim

- *Legislative Handbook
- *Report No. 1 - Montana State Prison
- *The Administration of Higher Education in Montana
(By G. Homer Durham)
- *General Report No. 1

1959-60 Interim

- *The State Government of Montana (Organization Chart)
- *Report No. 2 - Legislative Procedures
- *Report No. 3 - The Organization and Administration of
State Government
- *Report No. 4 - State Land and Investments
- *Report No. 5 - Higher Education
- *Report No. 6 - Property Taxation in Montana
- *General Report No. 2

1961-62 Interim

- *Bill Drafting Manual for the Montana Legislative Assembly
- Report No. 7 - Executive Reorganization
- *Report No. 8 - Fiscal Control
- *Report No. 9 - State Treasury Fund Structure

1963-64 Interim

- *The State Government of Montana (Organization Chart)
- Report No. 10 - Legislative Rules
- Report No. 11 - Public Official and Employee Bonus -- Fees
Collected by State Agencies
- *Report No. 12 - Personnel Management
- *Report No. 13 - Administration of State Liquor Monopoly
- *Report No. 14 - Investment of Public Funds
- *Report No. 15 - Revision of Laws of the Department of
Public Institutions

*Report No. 16 - Property Taxation and the Montana Property Classification Law

1965-66 Interim

- Report No. 17 - Legislative Fiscal Analysis
- *Report No. 18 - Revision of Public Health Laws -- Revision of Fire Protection Laws
- *Report No. 19 - Professional and Occupational Licensing boards
- *Report No. 20 - Revision of Laws for Public Schools
- Report No. 21 - Conservancy Districts
- *Report No. 22 - Retirement Systems for Policemen and Firemen
- Report No. 23 - Montana Taxation

1967-68 Interim

- *The State Government of Montana (Organizational Chart)
- Report No. 24 - Building Standards -- Election Laws
- *Report No. 25 - The Montana Constitution
- Report No. 26 - Montana Corporation License Tax
- Report No. 27 - State Printing
- Report No. 28 - Vocational Education

1969-70 Interim

- Report No. 29 - Regulation of the Sale and Use of Pesticides -- Pesticide Statewide Laboratory System
- Report No. 30 - Self-Insurance on State-Owned Property
- Report No. 31 - Property Taxation -- Right of Entry
- Report No. 32 - Recodification of School Laws Elementary and Secondary Education - Higher Education
- Report No. 33 - Administrative Procedures
- Report No. 34 - Local Government
- Report No. 35 - Income Taxation
- Report No. 36 - Board of Railroad Commissioners Ex Officio Public Service Commission of Montana
- Report No. 37 - Vietnam Honorarium

1971-72 Interim

- Report No. 38 - Executive Reorganization
- Report No. 39 - Health Service Corporations
- Report No. 40 - Higher Education, Duplications

Report No. 41 - Highways
 Report No. 42 - Insurance - Reform
 Report No. 43 - Juvenile Institutions
 Report No. 44 - Legislative Modernization
 Report No. 45 - Local Government
 Report No. 46 - Public Service Commission
 Report No. 47 - Roll Call and Sound System, House
 Report No. 48 - School Construction
 Report No. 49 - School Equalization Aid
 Report No. 50 - School Foundation Program
 Report No. 51 - Self-Insurance, Schools
 Report No. 52 - State Laboratories
 Report No. 53 - Water Resources
 Report No. 54 - Welfare

1973 Interim

Bond Issues in Montana
 Election Reform
 Swan River Youth Forest Camp
 Financing and Administration of Public Libraries
 Right to Know, Right to Participate
 Special Education for the Handicapped
 Progress Report on House Joint Resolution No. 22
 -- Retirement Systems for Public Employees
 Campaign Practices and Finances

1974 Interim

workmen's Compensation
 The Montana High School Association and Montana Interschool
 Activities
 Moneys, Solvent Credits, and Industrial Facilities Taxation
 Alcoholic Beverage Control Statutes
 Fossil Fuel Taxation
 Institutions
 Equality of the Sexes
 Uniform Fee Taxation and Anniversary Date Registration
 of Motor Vehicles
 Actuarial Valuation; State Law Enforcement Retirement
 Programs

1975-76 Interim

Collective bargaining and the State wage and Classification
 Plan
 Entry into Montana's Trades, Crafts, and Professions
 Limitations on the Waiver of Sovereign Immunity
 Medical Malpractice

Montana's District Courts
 Montana's Inheritance Taxes
 Montana's Property Taxes: Assessment and Classification
 Montana's State Income Tax
 Preservation of Agricultural Lands:
 Alternative Approaches
 Public Access to Public Lands
 Revision of Montana's Fire Laws
 Right of Privacy -- Implementing Article II, Section 10 of
 the Montana Constitution
 Wine and Liquor Marketing Alternatives for Montana

*Copies of reports marked with an asterisk are not available for distribution.

1977-78 Interim Studies

Studies assigned by the Committee on Priorities for the 1977-78 interim and the membership of each committee:

SUBCOMMITTEE ON EDUCATION:

Governance of Vocational Technical Education; Collection, Preservation, and Dissemination of Montana's Historical and Cultural Heritage; Revision of Community College District Laws.

Sen. Larry Fasbender
 Sen. Chet Blaylock
 Sen. George McCallum
 Sen. William L. Mathers

Rep. Ann Mary Dussault
 Rep. Peter J. Gilligan, Jr.
 Rep. Fred O. Barrett
 Rep. Darryl Meyer

SUBCOMMITTEE ON HUMAN SERVICES:

Organization of Human Service Delivery in State Government.

Sen. A. T. Rasmussen
 Sen. Bill Thomas
 Sen. Harold C. Nelson
 Sen. Thomas E. Towe
 Sen. Robert J. Brown

Rep. William Menahan
 Rep. Rex Manuel
 Rep. Howard L. Ellis
 Rep. Joe Brand
 Rep. Darryl Meyer

SUBCOMMITTEE ON LEGISLATIVE IMPROVEMENT:

Reduction of amount of introduced legislation; revision of the manner of assigning interim studies.

Sen. William Norman
 Sen. Carroll A. Graham

Rep. Robert L. Marks
 Rep. Jack K. Moore

Sen. Allen Kolstad
Sen. Stan Stephens

Rep. Dorothy Bradley
Rep. Mike Meloy

SUBCOMMITTEE ON LOCAL GOVERNMENT LAWS:

Consideration of proposals advanced in HB 122.

Sen. Bill Thomas
Sen. George McCallum
Sen. Robert D. Watt
Sen. Robert J. Brown
Sen. Peter R. Story
Sen. Chet Blaylock

Rep. Hershel M. Robbins
Rep. Audrey Roth
Rep. Steve Waldron
Rep. Verner L. Bertelsen
Rep. Helen G. O'Connell
Rep. Paul K. Kropp

SUBCOMMITTEE ON STATE LEGAL SERVICES AND ELECTION LAWS:

How the State Receives Legal Services; Revision of the Election Laws.

Sen. Pat Rejan
Sen. Margaret S. Warden
Sen. William Murray
Sen. Everett R. Lensink

Rep. Jim Courtney
Rep. John P. Scully
Rep. Ralph Eudaily
Rep. Carl A. Seifert

SUBCOMMITTEE ON SUBDIVISION LAWS:

Revision of Laws Governing Land Subdivision.

Sen. Elmer Flynn
Sen. Harold Dover
Sen. William Murray
Sen. Joe Roberts

Rep. Arthur H. Shelden
Rep. Burt Hurwitz
Rep. Earl C. Lory
Rep. Thomas R. Conroy

SUBCOMMITTEE ON WATER RIGHTS:

To Examine Methods for Determining water Rights Existing as of June 30, 1973.

Sen. Jack E. Galt
Sen. Russell Bergren
Sen. Paul F. Boylan
Sen. Jean A. Turnage

Rep. John P. Scully
Rep. William M. Day
Rep. Jack Ramirez
Rep. Audrey Roth

RULES OF PROCEDURE
1975-76

RULE I

Each Legislative Council shall determine the rules of its proceedings.

RULE II

Regular meetings of the Legislative Council shall be held in the Capitol Building, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the Chairman on at least ten (10) days notice to the members. Any member of the Legislative Council who misses two (2) consecutive meetings may be relieved of his duties by a majority of the Council.

RULE III

All meetings of the Legislative Council shall be conducted under the established rules of the Senate of the state of Montana as to quorums and parliamentary procedure as applicable.

RULE IV

If a question of statewide importance arises when the legislature is not in session and a subcommittee has not been appointed to consider the question, a majority of the Council may agree to assign the question to an appropriate subcommittee, with the concurrence of the Committee on Priorities.

RULE V

The Council staff shall assist individual members of the legislature on request by compiling and analyzing material relating to state government. Such research may not exceed two man days of work without the consent of the Council. This limitation shall not apply to the Council's bill drafting service during and immediately preceding a legislative session.

RULE VI

Subject to the approval of the Council, the Executive

Director may engage necessary stenographic, clerical and other assistance for the operation of the Council, Legislative Services Division, the ALTER program, and aid to interim subcommittees of legislative standing committees.

RULE VII

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

RULE VIII

Claims and requisitions up to \$100, payrolls and routine claims in excess of \$100 may be approved by the Executive Director; all other claims and requisitions must be approved by the Chairman of the Council.

RULE IX

All meetings shall be open to the public.

RULE X

All publicity, and news releases on behalf of the Council shall be made by the Chairman of the Council.

RULE XI

Alteration, suspension or amendment of these rules may be by vote of a majority of the Council.



